Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

FILED

UNITED STATES DISTRICT COURT UNITED STATES DISTRICT COURT

for the

District of New Mexico

Division

JUN - 3 2020

MITCHELL R. ELFERS

Case No.

20cv 535 JH/G3 (to be filled in by the Clerk's Office)

Plaintiff(s)

Write the full name of each plaintiff who is filing this complaint

(Write the full name of each plaintiff who is fitting this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

The Parties to This Complaint I.

A.

B.

The Plaintiff(s)				
Provide the information below for earneeded. Name All other names by which you have been known: ID Number Current Institution Address	COMCF. P.O. Oraver 13.28 LOS Lunas JM 87031 City State Zip Code			
The Defendant(s)				
individual, a government agency, an listed below are identical to those course the person's job or title (if known) and	ach defendant named in the complaint, whether the defendant is an organization, or a corporation. Make sure that the defendant(s) intained in the above caption. For an individual defendant, include check whether you are bringing this complaint against them in their ity, or both. Attach additional pages if needed. Albuque que Police Department State of Lew Mexico Albuque que NM State State of State Official capacity Official capacity			
Defendant No. 2 Name Job or Title (if known) Shield Number Employer Address	District Attorneys Office Atmos District Attorneys and Judges State of Dew Mexico SQD Lomas NU Albuqueque NM 87102 State Zip Code			

ro Se 14	(Rev. 12/	16) Complaint for Violation of Civil Rights (FI	Solici)
		Defendant No. 3 Name Job or Title (if known) Shield Number Employer Address	Home Depot Home Depot Personnel State of Deathtraits owne 2820 Cook BL DW Albuque gue NM 87120 City State State Individual capacity Official capacity
		Defendant No. 4 Name Job or Title (if known) Shield Number Employer Address	Truck Stoppersonell Truck Stoppersonell Truck Stoppersonell Albuqueral JM 87120 Giv State State State Individual capacity Official capacity
II.	Basis	for Jurisdiction	moreonback-Lont.
	immı Fede	inities secured by the Constitution	tate or local officials for the "deprivation of any rights, privileges, or and [federal laws]." Under <i>Bivens v. Six Unknown Named Agents of</i> 388 (1971), you may sue federal officials for the violation of certain
	A.	Are you bringing suit against (ca	heck all that apply):
		Federal officials (a Bivens	claim)
		State or local officials (a §	1983 claim)
61 a	В.	the Constitution and [federal law federal constitutional or statutor Federal Constitutional or statutor federal constitutional or statutor federal constitutional or statutor federal law federal constitution and federal law federal law federal constitution federal law federal constitution federal constitution federal constitution federal constitution federal law federal constitution federal constitut	ging the "deprivation of any rights, privileges, or immunities secured by ws]." 42 U.S.C. § 1983. If you are suing under section 1983, what ry right(s) do you claim is/are being violated by state or local officials?
haf	11	Dela el 1 AS	il Rights 11:1. Heck Us. Humphrey
naf	C.	Plaintiffs suing under Bivens mare suing under Bivens, what confficials?	ay only recover for the violation of certain constitutional rights. If you onstitutional right(s) do you claim is/are being violated by federal
		State 1983 Cla	ul 1 m

Defen Case 1-20 cm 00535-JCH-GJF Document 1 Filed 06/03/20 Page 4 of 24 Mane: Mcintosh County Oklahoma Sobortifle, officers - prosecution-and Jail Staff Street Address: Gen Delivery State Zip Code # Oklahoma 74845 Phone: = 918-657-Un Known F-Mail Referdant no:6 hunacty Job or title: Officers of Law & prosecution archan Street Address: Courthouse & Jail & myhouse 4 Corandonas City and Cty. Dening, Luna State 62 ipcode: New Mexico 88030 Telephone#505-unknown E-mail unknown A1507: Walgreens on Central & University of NM Circlek on 98 th street near central Flying Jon 98th & I-40 near to Dollar store en coors & I-40 also others-ITB-Chapter 8 mootness-Challenging pretrial conduct

procedure was wrong on aproceeded on lies to now itnesses
es-2 times-now wrong fully in corrected on dismissed Charges for 60 days-CR-2019-08993, 2020-00273-Disnissed also Krenensus Bartle, 4314,5,119,127-32 975ct 1709,52L, Ed 2d 18423 Fed Riseru 2d 662 (1977)

Its af this moment an engoins descrimination against my freedom. It was addressing The Law is through legal access here and has been very builtheaded and unfair acting as it its probably none too true so far for the record.

Statute Its Fed Crimpra. Rule 12.4 Rule 13 Rule 14 Rule 15, Rule 16, Rule 21, Rule 5.1, Rule 3, Rule 41(D)

Rule 47 Rule 48 Rule 51(B) Fech Rule of Evidence 103Witnesses Rule 1- Rule 3 Rule 4 Rule 7 Rodney King

Pg Sofli

Chapter \$2 Costody "As to whether or hot Imstill incorcerated should De released soon, and what avenue to best pursue while this needs tiled and is all passibilities? This was written by me inadvance on Case# 19 CU690 RB/KBM with prior Knowledge of the interworkings of the situation I was in before dismissal of current charges tighting a second begus Charge that consisted of the three latest clismissals, that they would interrupt All filling. I will howard that I'm wrong-fully imprisoned on the dismissed charges of the 2019-0339 + 2020-00273 For 60 clays down cont acting the DA & Judge and case worker & filling all available Greivances as possible what that adds to previous Byrs. - Seeking release from supermistance against my freedom since statute numbers I dask the court refile this case as a new case or old as necessary What the issue is still and an issue they have of some type of prejudice against one being Proven by all these errors, and lack of legal accessivas, not my fault or doing naturally they would hope I couldn't acquire the relief necessary to the righting of these wrongs who necks it is. It's still necessary, as that

Con+ Trace 1:20-cv-00535-JCH-GJF Document 1 Filed 06/03/20 Page 8 of 24 and just mention that on the dismissal of CR: 2019-03993-2020-00273-When my law yer who must Aot have been paying attention good had me Sent to D.O.C. and was repeatedly telling one he couldn't help me with an appeall Oranything brings about another Stateor tederal Complaint Thats way out there to Delieve but I'm in here needing released on it now that I get the J&S and have been overdetained by another 60 days as Of yesterday, at the 150015 or 3000 adow. that I hear is fair on pain and soffering. So to Say Marchos was the Date of Dismisselto include 18 clays waiting for transport, Cont. IIIP that all of this discrimination can be proved with its obvious in the way Statutes were violated repetitively on me with no attempt at repair or remorse when I had ask for relief their was none the immates and friends and family Saw what

C. What date and approximate time did the events giving rise to your claim(s) occur? March 26 th 2020 again were false Charges Delne dismissed also so not to ment for and Cant On back D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was appone else involved? Who else saw what happened?) The tacts are in the paperwork and that it show sentence. Or will be dismissed on my sudgement and Sentence. Or will be dismissed. I have applied for review. And written the attorney. Jonsee, everything of the errors is in the paperwork all of branch as mental health history, mine, the V. Injuries	
If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive. HOST-tal VISIT-needled backy now for backpair for OXYCOCLONE OF Some for mothack pair poll who Twe Wist-ed then twice I needled more visits and to see a specialist to get settlementary of Soll Also Pairand Suffering of Dail time clumps VI. Relief	1 e
State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims. The anount Sought in the State Lowsonts Ifficed restriction to other than is about 100,000,000 bedollars the new Case of discrimination 7,000,000 bedollars the days of overcletention of 88 660 clays at 1500 the or 3,000 be a clay 144,000 the time Sheeterrows 66000 the figurine type 0's Also In Still trying and windra at Putting it at toghether that Some much larger that some much larger than 5 to believe close, of possible the find the figurine type of the classes.	\{\bar{\}}

in the base 1:00-00-505-1-1-10-5- Coulment with the property of Physical One of my vertebrae. In myspine rearending another police officer on the ride to the Dail. Also Grandmother had willed meverbally her house and land in Dening my Biological tather willed mehis house and Land in Oklahoma, and I had alot of priceless things that were lost including 30 or 40 lbs of Grandpas gold from Grandma and a Cadillac and Motorhome totrailer. My moms things are now Liedup with my stepdad in Oldahon There was alot of Slander and hidicule that is criminal towns but over than years. Mother had 69 Canaro Convertible and housewith Stepdart also Grandma has by bad menory made up alot of untrue les on me and in the process done Innot sure in the my Chelsea Clock & persion prayer rug, and spewershted pool Strck from 1950's, and Sewing macking 1800's She thinks is hers from my mother. Belgion or Brazilian Suits Sare there and My R.U. trailer 30ft long. I need to legally come into possession Charges that are take. Inin who's who and Studentry 10 of 11 times and would pursue witing and other things.

Defendants-trom Luna County Put Me in prison on a Robbery and torgery Charge, also the Charges that They used on meto habitbally enhance my charge of 12 years to 8 and gave me 340 and 14/2 already Served on before my Knowledge and use of the law and these Claims has allowed me to file and State that my crys of innocence fellondeat lars there when my brandmother had lent me hertruck during or after a slight argument which I clouble and triple checked with her I was not stealing it to chrine it, she forgot be cause of extensive climent a we how know Sent myself for competer cy evaluation in Las Vegas and passed and she wouldn't have eard nowhas a caretaker. That along with I had a forgery there there that I got trying to cash a check that was torged when I dicht write it, The detective knowingly prosecuted me Because I dich't tell him who the person was and incriminate someone else he told me Idotte time was wrong Oklahoma Thound in the ditch. When I told then Just

Contination of State of Continent 1 Filed (6/02/20, Page 120/21/07) behind bars, or in Custody. Defendant Noil-Did knowingly lie against mp personally twice now, putting me at the mercy of their illegal Search and seizure of anneedle. Which would have never been available to go into my packets without lying of a trespossing sign on the scene of where I was sitting with a friend on a sidewalk they manipulated me in court to taking Orugcourt What In Bipolar, slightly Disabled, to taking a guilty plea. that statutest rulersay is always bad advice. And Sent me toppison Anywaynow For 60 clays So far when the judge Dismissed Charges-\$000 CR: 2019-03993; 2020-00273-Doedgement + sentence Shows Pismissal, and trying at this paper work I wakeen overdetained also again against my will for 60 clays now from last arrest. The time before on case #1:19-(V-00770-WJKK That was dismissed and I am Still pursuing was 5 mths detention for lying I had a Knife out then. Also this Charge was done several errors, that extent of how many are being done on my cases-

back to back to try to get min to go the following to get min to g that shouldn't be. They broke the Lerday, rule 4 times every time I had it, proceeded with a lie in the conflaint under penalty of perjuly When I was telling then to father Amend the information within 5 clays according to Federal procedure. They also didn't give me counsel until the day of my preliminar wheaving proving prejudice as too big of anthomistake to be an honest mistake according to Federal without according to Federal affect trial without advice before that point. This would also include the District attorneys office. I informed then in letters on both clases of the lies and they Pto the penalty's of perjury and they proceeded to process me with no reply to my letters on both cases. The previous case being an en assault lie. It shows otherwise on Lapel video that I never po produced a Knife or made as y threat that is to include Home Depot Security guards and staff, they were however on the Lapel Video Saying in Front of the Car they only had me on shopliffing, unless the otherwed a Assault with a cleadly weapon change on me that that would hold me in there

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A.	Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?		
	Yes		
	□ No		
	If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).		
	MDC & ROC-CNMCF		
В.	Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?		
	✓ Yes		
	☐ No		
	Do not know		
C.	Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?		
	Yes		
	☑ No		
	Do not know		
	If yes, which claim(s)?		

Pro Se 14 (Rev. 12/1	6) Complaint:	or Violation of	Civil Rights (Prisoner)
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D.	Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?
	✓ Yes
	□ No
	If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?
	Yes
	□ No
E.	If you did file a grievance:
	1. Where did you file the grievance?
	In the Greivence box SAC-103 RDC cond Etod MDC-Cell115 2. What did you claim in your grievance?
	That the facility washolding neago ny will and I should be released on go Dismissed Charges
	3. What was the result, if any?
	The response was none culthin lodays Called Mclerdon, also had response on 100 Celuable 1550 es. 4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.) For every lead of the lawyer to handle,

Pro Se	14 (Rev. 12	2/16) Complaint for Violation of Civil Rights (Prisoner)
	F.	If you did not file a grievance: 1. If there are any reasons why you did not file a grievance, state them here:
		2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:
	G.	Please set forth any additional information that is relevant to the exhaustion of your administrative of remedies.
		(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)
VIII.	Previou	as Lawsuits
	brought malicion	ree strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying g fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, us, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent of serious physical injury." 28 U.S.C. § 1915(g).
	To the b	pest of your knowledge, have you had a case dismissed based on this "three strikes rule"?
	Yes	
	No	
	If yes, st	tate which court dismissed your case, when this occurred, and attach a copy of the order if possible.

The Second Judicial District Court

VIII.

A.	Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?
	No No
B.	If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)
	1. Parties to the previous lawsuit Plaintiff(s) Defendant(s) Court (if federal court, name the district; if state court, name the county and State) Second Jacob (ala) (Shock Bernal MO)
	3. Docket or index number 1905 1000000000000000000000000000000000
	4. Name of Judge assigned to your case CATATORIA OOL AOT I WILL
	5. Approximate date of filing lawsuit 6. Is the case still pending?
	Yes No No
	If no, give the approximate date of disposition. 7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered
	in your favor? Was the case appealed?)
	appeallingalleases
C.	Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

o Se 14 (Rev. 1	2/16) Complaint for Violation of Civil Rights (Prisoner)
	Yes
	☐ No
D.	If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)
	1. Parties to the previous lawsuit Plaintiff(s) Defendant(s) Parties to the previous lawsuit OF SUPE they relate to the transport OF SUPE THEY RELATED TO THE THE TENENT OF THE TENEN
	2. Court (if federal court, name the district; if state court, name the county and State)
	NIA inadequate resource at prison
	3. Docket or index number Un Magazia
	4. Name of Judge assigned to your case Un hoese
	5. Approximate date of filing lawsuit Last year all others were fine but on 6. Is the case still pending?
	Yes
	If no, give the approximate date of disposition (5.5.85 to be appeared
	If no, give the approximate date of disposition On Deallec On Deallec The approximate date of disposition On Deallec The approximate date of disposition On Deallec On Deallec The approximate date of disposition On Deallec The approximate date of disposition On Deallec The approximate date of disposition On Deallec On Deallec The approximate date of disposition The approximate date of disposition On Deallec The approximate date of disposition The approximate date of disposi
	I was can out of time on Deadline
	peravse of Corona UNUS and Lack of legal access of MART ?
	most ness challengt of pretrial conduct procedure was totally curong sproceedings on case with no witnesses a go lies in Cont.
	on back on how thesses a go lies in Cart.

7-Complaint never amended. Lawyer repeatedly stated there was a guity pre a on afelony and their wasn't when also again it was dismissed. There was no conteston two misdenemons only. Kremensus. Bartley 431.US.119, 127-32, 975(+1709, 52 L, Ed 2d184 23 Fed RServ 2d662(1977) Chapter? (Custody) In also agash inprison on charges that are dismissed and Inever Pled to jest to for what reason needs àddressed. The Defail Sheet Shows two Misdemeanors and that is not what I to be dismissed. Chapter Cognizability

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

	Date of signing:	27-20		
	Signature of Plaintiff Printed Name of Plaintiff Prison Identification # Prison Address	Jesse Cox 15esse Cox 69139 - Unit 100 Depoto De Pe LOS LUNAS	3A DOC MM State	C-103 2020-1328 87031 Zip Code
В.	For Attorneys			
	Date of signing:			
	Signature of Attorney			
	Printed Name of Attorney			
	Bar Number			
	Name of Law Firm			
	Address			
		C'		
	Telephone Number	City	State	Zip Code
	E-mail Address			
	Z maii 11qq1055			

Case 1:20-cy-00535-JCH/GJF Document 1 Filed 06/03/20 Page 21 of 24 556 C SSEC DOCUMENT 1 Filed 06/03/20 Page 21 of 24 that was dismissed with prejudice. Should Allow me to bring up again the case along with casett/:19-CV-00690RBKBM-One Copy of Rule 41(b) for failure to comply twith court orders which was I needed the court to order the inmate account Statement on the jail I have proof of my trying to acquire it through all means at MDC being untair. Also that none of the people Z sent state summon too replied within the 30 days is mail travid Jone by the Court. To be added Statute Zin researching now to find but the court denied My lawsoit on that with a summons served on a party With no reply to put the people in a Default is also being pursue don State Court. With a new seperate laws wit on the judges and people involved with that at district Court along with the Tudges.

Enclose 1/20-cv-00535-JCH (3) | Document 1/15|led 06/08/20 Page 22 0524_28-26 15 the Selfaddressedenuelope please USE, UM Gen Fund For return Service and tile my non breivable Case; couth the tederal Court. The issues of how badly they are treating me with errors in accest and paperwork are real and its Un constitutional and totally unfair to me that I'd he housed in a prison longer than my due date. I'm at this point also trying to secure bood time tiguring Sheets for this incarceration and last. and pursue this to the best of myabling that Also I really need an aftorney that Could represent me, and 7 copies of sumons' for the defendants to go along with Case In filing in Seperate envelope as well as any other papers the court may need for me to proceed informa Pauperis & Motion to proceed copy. A motion to also pursue the leave granted of a furlough on my case that was fail

AS Case 1:70-cv-00535-JCH-GJF BOCUMENT FIXED OF CONSIDER PAGE 23 of 240 1 +. Went into Default in State Court, after the Sunnow was never replyed to in the 180 Days I never recieved any response from them APD-or Mintosh Cty or NMDOC- The thingwinds Up to be mailfraud on the court When the Judge click tile them as Went into Deffult, when I sen't the Papers. Lawsuit will besent seperately of May- May of formorrow the 27th

Sincerely Jesses Cox

Page 2 1:20-cv-00535-JCH-GJF Filed 06/03/20 Document 1 CNMCF/CMRU/UNIT# P.O. Drawer 1328 Los Lunas, NM 87031 Inmate Name: Inmate Number: